

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MARGARET WIKE, on behalf of)
herself and all others similarly situated,)
)
)
Plaintiff,)
)
)
v.) **Case No. 3:06-00204**
) **Judge Campbell**
VERTRUE, INC. f/k/a)
MEMBERWORKS, INC.; ADAPTIVE)
MARKETING LLC,)
)
Defendants.)

ORDER

For the reasons set forth in the accompanying Memorandum, Plaintiff's Motion for Class Certification of her Electronic Fund Transfer Act claim (Docket No. 375) is hereby granted. The Court will certify a class consisting of all persons who were enrolled in one or more of Defendants' membership programs via telemarketing and from whose accounts Defendants initiated the first preauthorized electronic fund transfer at any time during the period of March 14, 2005, until an appropriate end date.

The parties are hereby ordered to confer in a good faith effort to (1) determine the appropriate end date for the class period; (2) formulate a proposed form of notice which incorporates the requirements of Fed. R. Civ. P. 23(c)(2) and reach an agreement as to the best method for notice; and (3) draft a proposed Certification Order which takes into account the requirements of Fed. R. Civ. P. 23(c)(1)(B) .

Within ten (10) days of the date of entry of this Order, Plaintiff shall file (1) a proposed Notice to the Class (and indicate the method to be utilized to provide said notice); and (2) a proposed Certification Order. Within five (5) days of said filings, Defendants shall file any objection(s) to

the proposed Notice to the Class and Certification Order, setting forth the reasons for said objection(s).

It is so Ordered.

Todd Campbell
Todd J. Campbell
United States District Judge